

POLICY BRIEF

I FIND PEACE
IN THE RAIN.

SAVE THE MAU CATCHMENT THROUGH PEACE:

Integrating Mediation in Resolving Forest Conflicts

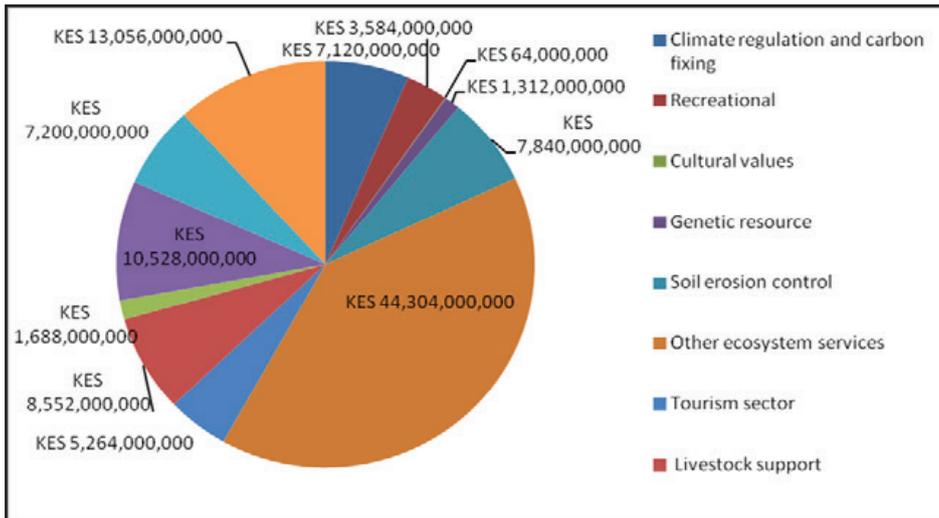
BACKGROUND

The Mau forest complex is the single most important water catchment in Rift Valley and Western Kenya. Through the ecological services provided by its forests, the Mau Complex is a natural asset of national importance that supports key economic sectors including energy, tourism, agriculture and domestic water supply. These benefits among many others make the Mau forests complex an important catchment and conservation area.



Key highlights

- The Mau forest complex provides products and services estimated at over 100 billion Kenya Shillings annually
- The Mau forest complex has been affected by encroachment and degradation with over 60% conversion in the last three decades
- The forest has also witnessed ethnic and resource conflicts affecting thousands of people and property loss
- In order to effectively conserve the forest there is need to integrate conflict resolution in resource management
- Conflict Mediation is a promising approach that is likely to succeed where past interventions have failed



Despite its critical importance for sustaining current and future economic development, the Mau Complex has been impacted negatively by extensive illegal, irregular and illplanned settlements, as well as illegal forest resources extraction, which have generated tensions among different stakeholders in the region (GOK, 2009). The Eastern part of the complex has suffered the most from degradation.

Fig 1: Estimated value of the annual benefits from Mau ecosystem (Kipkoech et al, 2011)



Fig 2: Mau forest facing degradation

The Eastern Mau is also characterized by multi-ethnic groups with competing interests and needs, a situation that encourages breeding of tensions and conflicts associated with tribal clashes. Kenya's past has been riddled with resource based conflicts. Majority of resource based conflicts have occurred in the Rift valley area and Mau forested region.

Table: Trends in violent conflicts in Kenya

| Period/Year | Region/place | Causalities | Perceived cause(s) | Source of information |
|-------------|--|-------------|--|--------------------------|
| 1992 | Rift Valley (Molo/Mau-epicenter) | 5000 | Land ownership | IRIN |
| 1997 | Coast (Likoni division) | 104 | Land ownership | Human Rights Watch, 2002 |
| 2005 | Western (Mount Elgon District) | 600 | Land ownership (Sabaot Land Defence Force) | Human Rights Watch, 2007 |
| 2007-2008 | Nationwide (Rift valley most affected) | 1300 | Election disputes, past land injustices | Aljazeera, 28/01/2008 |
| 2012 | Rift Valley (Samburu District) | 46 | Cattle rustling | Nation Media, 23/11/2012 |
| 2012-2013 | Coast (Tana River District) | 40 | Competition over grazing, farmland and water | BBC, 2012-12-21 |



Fig 3: Forest degradation is characterized by resource based conflict and ethnic clashes

Conflict management within a forest complex should be an integral part of sustainable resource conservation and management.

With intractable conflicts, farmers live in uncertainty hence their agricultural production is adversely affected. Additionally, no one wants to invest heavily in agriculture as the high risks of crop and livestock losses due to skirmishes are evident. In some cases, croplands are destroyed by warring communities while in others, farmers are driven out of their lands consequently, they are unable to continue with farming. Among pastoralist communities, cattle raids and conflicts around water and pasture have negatively impacted on livestock agricultural economies. These conflict effects generally lower the resilience levels of rural livelihoods and render communities vulnerable to food insecurity.

Proposed interventions

Currently, conflict intervention in Kenya has been often through cure and not prevention. For instance, whenever different communities have been involved in violent conflict across Kenya, attempts have been made to quell the violence first (through such actions as disarmament in cases where guns are involved), then peace meetings are held and or commissions of inquiry into the cause of the clashes are set up by the government. Whereas these initiatives are significant in providing short term solution to the conflict, long term follow up conflict transformation initiatives are lacking. The most prevalent conflict resolution mechanism in Kenya has been through court cases. However, in the recent past, attempts have been made to move away from the traditional litigation as a way of resolving conflict. For example, during the 2007/2008 post election conflict, it took the intervention of an international mediator to mediate-arbitrate (medarb) between the two competing parties who were involved in an election dispute that had escalated into violence and had claimed many lives. Also, other mediation efforts are on the rise across Kenya albeit on micro scale especially where land is involved. An example of mediation effort is given below:

'Grazing related clashes between the Kalenjin and the Maasai that occurred consistently between the year 2001 and 2009 was brought to an end when the elders from the two communities met within Longoman forest and resolved to put to an end their fighting. During the conflict resolution meeting which occurred in 2009, both parties decided to demarcate the grazing grounds within the forest at a place called Roshina.'
(Kweyu, 2015)

Such mediation efforts are commendable as they are inclusive and the various parties to the conflict are actively involved in the process. In addition, unlike court processes, there is no a winner takes it all perception. Notably, a policy on conflict resolution that could support such efforts is still lacking in the Kenyan legal frameworks. This policy brief proposes integration of mediation in management of forest related conflicts in Mau and beyond.

Key policy recommendations

If intractable conflicts are not resolved conservation efforts in the forest are likely to be compromised and Some of the rivers that originate from the Mau forest complex are likely to dry up. Consequently huge losses in crop and livestock production will cost the Kenyan economy about Ksh 40 billion annually. This figure can fund Nairobi County in a single fiscal year

Key policy messages

1. Entrench Mediation in conflict resolution processes in resource management plans by the resource managers and the community on issues such as conservation, resettlement and evictions.
2. Capacity building of local leaders, NGOs and Forest managers in Mediation as a resolution strategy.
3. Strengthen Participatory Forestry Management (PFM) initiatives by holding regular consultative meetings between the community, Forest managers, water resource managers, Agriculture officials and the security agencies.

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When we plant trees, we plant the seeds of peace and seeds of hope.

- Wangari Maathai -

Wangari Maathai stood for Peace and Environmental conservation